

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA**

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Richline Group, Inc.

Plaintiff,

v.

Civil No. \_\_\_\_\_

Stanley Creations, Inc. d/b/a The Stanley  
Creations Company

Defendant

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**COMPLAINT FOR  
COPYRIGHT INFRINGEMENT**

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Now comes Plaintiff Richline Group, Inc. (“Richline”) for its Complaint against Stanley Creations, Inc. d/b/a The Stanley Creations Company (“Stanley Creations”):

**PARTIES, JURISDICTION AND VENUE**

1. Richline Group, Inc. is a Delaware corporation with its principal place of business at 1385 Broadway, New York, New York 10018.

2. Upon information and belief Stanley Creations, Inc. is a Pennsylvania corporation and registered as a foreign corporation in New York with its principal place of business located at 3100 47th Avenue, Fourth Floor, Long Island City, New York 11101.

3. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338 as it arises under Title 17 of the United States Code.

4. This Court has personal jurisdiction over the Defendant because a substantial part of the events giving rise to the claims asserted in this Complaint occurred in this judicial district, and Defendant is found and is doing business in this judicial district.

5. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 and/or 1400.

### **STATEMENT OF FACTS**

6. In 2008, Andin International, Inc. (“Andin”) created a work entitled “Diamond Frog Prince Pendant.” Attached as Exhibit A, and shown below, is an image of the Diamond Frog Prince Pendant.



7. The Diamond Frog Prince Pendant is subject to U.S. Copyright Registration VA 1-656-266 granted on January 5, 2009. A copy of this registration is attached to this Complaint as Exhibit B.

8. On April 29, 2009, Andin was acquired by Richline and Richline acquired substantially all of Andin’s assets and intellectual property, including the Diamond Frog Prince Pendant.

9. Since at least as early as 2008, products incorporating the Diamond Frog Prince Pendant design have been sold by a variety of entities. All copies of the Diamond

Frog Prince Pendant made by Andin and Richline have been published in conformity with the provisions of the United States Copyright Act of 1976.

10. In 2011, Richline became aware that Stanley Creations was advertising, offering for sale, selling and otherwise distributing through J. C. Penney stores across the country, including within this judicial district, a frog prince charm (hereinafter the “Infringing Frog”) which infringes the Diamond Frog Prince Pendant copyright.

11. Janel Russell, who assists Richline with the policing and enforcing of Richline’s intellectual property, ordered the Infringing Frog from the J. C. Penney website and the Infringing Frog was shipped to Ms. Russell at her place of business in Minnesota. Attached as Exhibit C to this Complaint is a true and accurate copy of the shipping materials identifying Stanley Creations as the source of the Infringing Frog. The Infringing Frog is also marked with a giant “S” which, upon information and belief, is a trademark of Stanley Creations. The Infringing Frog is shown below and a true and accurate copy of a photograph of the Infringing Frog is attached as Exhibit D to this Complaint.



12. Below is a side-by-side comparison of the Diamond Frog Prince Pendant and the Infringing Frog. A side-by-side comparison of the Diamond Frog Prince Pendant and the Infringing Frog is also attached as Exhibit E to this Complaint.

	
<p><b>Richline's Diamond Frog Prince Pendant</b></p>	<p><b>Stanley Creations' Infringing Frog</b></p>

### **COUNT I: COPYRIGHT INFRINGEMENT**

13. The allegations from the preceding paragraphs of this Complaint are incorporated by reference as if fully set forth herein.

14. Richline's Diamond Frog Prince Pendant work and derivatives thereof are covered by its copyright registration and are each original and constitute copyrightable subject matter.

15. Richline (and Andin) have complied in all respects with the provisions of the copyright laws of the United States, 17 U.S.C. § 101 et seq. and have secured their rights and privileges in the Diamond Frog Prince Pendant work and derivatives thereof and have obtained Certificates of Registration from the Registrar of the Copyrights, the United States Copyright Office. The registrations for the original Diamond Frog Prince

Pendant work shown in Exhibit A were effective prior to the commencement of the infringement by Stanley Creations.

16. The exclusive rights granted to the copyright owner under 17 U.S.C. § 106 include (a) the right to reproduce the copyrighted works and copies; (b) the right to prepare derivative works on the copyrighted work; and (c) the right to distribute copies of the copyrighted work to the public.

17. Pursuant to 17 U.S.C. § 105, an infringer is one who violates the exclusive rights of the copyright owner as provided in 17 U.S.C. § 106.

18. Stanley Creations has had access to Richline's copyrighted work, is copying Richline's copyrighted work and is distributing copies of Richline's copyrighted work within the United States, all exceeding and without the authorization of Richline and in violation of Richline's rights under the Copyright Laws of the United States.

19. The acts of the Stanley Creations are willful, deliberate and despite Richline's notice of copyright, all to the profit of Stanley Creations and to the damage and injury of Richline. Such damage and injury is irreparable and will continue unless the Court enjoins such infringement. The wrongful acts of Stanley Creations have caused Richline substantial monetary damage in an amount yet to be determined.

### **DEMAND FOR JUDGMENT**

WHEREFORE, Plaintiff prays for entry of judgment in favor of Plaintiff and against Defendant providing:

1. That Stanley Creations, its officers, employees, agents, independent contractors and all other persons acting in active concert or participation with them, be preliminarily and then permanently enjoined from:

(a) advertising, promoting, commercializing, selling, offering for sale, distributing or otherwise copying copies of the Diamond Frog Prince Pendant;

(b) otherwise infringing the Diamond Frog Prince Pendant copyrights;  
and

(c) benefitting from its misuse, misappropriation, pirating and theft of the Diamond Frog Prince Pendant.

2. That all infringing articles be delivered to Richline for destruction.

3. That Stanley Creations pay Richline the greater of Richline's actual damages, Stanley Creations' profits or statutory damages as provided in 17 U.S.C. § 504(c).

4. That any monetary award be increased in accordance with 17 U.S.C. § 504(c)(2) as willful acts.

5. That Richline be awarded its costs and attorneys' fees incurred herein pursuant to 17 U.S.C. § 505.

7. Awarding Richline such other relief as this Court deems necessary and just.

**JURY DEMAND**

Pursuant to Fed. R. Civ. P. 38(b), Richline hereby demands a trial by jury on all issues so triable.

**Date:** November 22, 2011

/s/Peter G. Nikolai

Peter G. Nikolai (#322,052)

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**ATTORNEYS FOR PLAINTIFF  
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